



THE CITY OF NEW YORK
LAW DEPARTMENT

Hon. Sylvia O. Hinds-Radix
Corporation Counsel

100 CHURCH STREET
NEW YORK, NY 10007

Nicholas R. Ciappetta
Administrative Law and Regulatory Litigation
Division
(212) 356-4036
nciappet@law.nyc.gov

May 6, 2024

BY ECF

Honorable Naomi Reice Buchwald
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Stuart Meissner, et al. v. City of New York, et. al.
23-CV-1907 (NRB)(VF)

Dear Judge Buchwald:

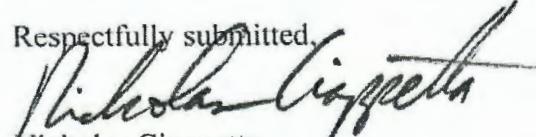
I am an attorney in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York. I represent Defendants City of New York, New York City Police Department, New York City Police Department License Division, and Nicole Berkovich, Director of the License Division (“City Defendants”). I write on behalf of Plaintiffs and City Defendants in furtherance of the parties’ teleconference with the Court on April 25, 2024, to set forth a path forward in this litigation.

First, Plaintiffs and City Defendants join the request by New York State Attorney General Letitia James (“Attorney General”) to stay adjudication of Plaintiffs’ challenge to New York Penal Law § 400.00(6) pending a decision by the Second Circuit Court of Appeals in Frey v. Nigrelli, No. 23-365 (2d Cir., argued Jan. 30, 2024).

Second, the Plaintiffs and City Defendants have agreed to a motion schedule with respect to the claims in the First Amended Complaint that largely aligns with that set forth by the Attorney General in her letter dated May 2, 2024. See Docket Entry No. 38. Such motion practice would concern claims by the individually named plaintiffs and Plaintiffs’ various challenges to New York Penal Law § 265.20(3). Plaintiffs also reserve the right to seek interim injunctive relief regarding certain issues if not resolved between Plaintiffs and City Defendants by June 30, 2024. For the convenience of the Court, the parties set forth that schedule in the chart on the following page.

June 30, 2024	<p>City Defendants and Plaintiffs to complete limited pre-motion discovery as to the named plaintiffs.</p> <p>Deadline for Plaintiffs to file any motion for interim injunctive relief, subject to a mutually agreeable briefing schedule to be discussed at the appropriate time.</p>
August 12, 2024	City Defendants to file motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) as to Plaintiffs' constitutional challenges to New York State law, and motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 as to claims by the individually named plaintiffs.
September 12, 2024	Plaintiffs to file opposition to motion for judgment on the pleadings by City Defendants and motion for summary judgment by City Defendants. Plaintiffs also to file any cross-motion for judgment on the pleadings.
September 26, 2024	City Defendants to file reply in further support of their motions for judgment on the pleadings and summary judgment and opposition to Plaintiffs' cross-motion.
October 10, 2024	Plaintiffs to file reply in support of any cross-motion for judgment on the pleadings

Respectfully submitted,


 Nicholas Ciappetta
 Senior Counsel